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COMMONWEALTH of VIRGINIA

VA BD. OF DENTISTRY

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February 25, 1998

M. Alan Bagden, D.M.D.
Virginia Association of Orthodontists
Corporate Center
5006 Monument Avenue
P.O. Box 6906
Richmond, Virginia 23230-1717

Re: Ownership of Dental Practices

Dear Dr. Bagden:

This is in response to your letter of October 1, 1997 inquiring into the current statutory provisions regarding dental practice management corporations. I am writing this letter at the request of the Board of Dentistry following a discussion of your letter at its January 23, 1998 meeting. Please consider the following discussion as the Board's response.

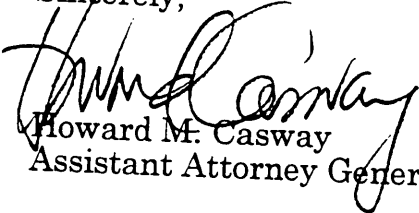
The provisions contained in Va. Code §§ 54.1-2716 through 2718 and 2720 constitute generally the range of permissible arrangements involving the business of practicing or offering to practice dentistry. (copies attached) These sections prohibit, *inter alia*; the practice of dentistry in a commercial or mercantile establishment, the formation of a corporation for the purpose of practicing dentistry, practicing under a firm or assumed name and/or failing to display the practitioner's name.

Consistent with the foregoing statutory limitations is the definition of the practice of dentistry found in Va. Code § 54.1-2711 which provides that "[n]o dentist shall be supervised within the scope of the practice of dentistry by any person who is not a licensed dentist". (copy attached). The Board has interpreted the foregoing provision to prohibit a non-dentist from controlling the professional judgment of a dentist and has promulgated a regulation, 18 VAC 60-20-170(5), making it unprofessional conduct for a dentist to "delegat[e] any service or operation which requires the professional competence of a dentist or dental hygienist to any person who is not a dentist or dental hygienist except as otherwise authorized by these regulations."

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Lastly, I am not aware of any Virginia court decisions or legal opinions under the current law since the practice of dentistry in Virginia has been strictly proscribed in law since 1950. I trust the foregoing is responsive to your letter but if you have any questions, please contact me or the Board.

Sincerely,



Howard M. Casway
Assistant Attorney General

Enclosures

cc: Marcia J. Miller

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